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Regulatory
Town Hall

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Exempt Action Final Regulation Agency Background Document

Approval authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-192
Regulation title	Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations
Action title	Amendments to the Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations
Final agency action date	August 31, 2004
Document preparation date	September 15, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (9 VAC 25-192) has been amended. This action reissues the current VPA general permit that expires on November 16, 2004, and also amended the regulation, where applicable, to reflect changes to 40 CFR Parts 9, 122, 123, and 412 as published in the Federal Register Volume 68, No. 29, dated February 12, 2003.

This VPA General Permit Regulation for Animal Feeding Operations 9VAC25-192 governs the management of pollutants at animal feeding operations (AFO's) with 300 or more animal units utilizing a liquid manure collection and storage system. A new general permit regulation 9VAC25-191 has been adopted in accordance with §62.1-44.17:1 of the Code of Virginia to regulate certain AFO's that meet the federal definition of concentrated animal feeding operation

(CAFO). CAFO's will be regulated under the Virginia Pollution Discharge Elimination System (VDPES) permits as required by the federal CAFO rule, which became effective April 14, 2003. 9VAC25-191 affects a subset of AFO's currently regulated by 9VAC25-192. This action is being taken to amend 9VAC25-192 to exclude the CAFO's that will be regulated by 9VAC25-191, and to make it consistent with the requirements of the proposed regulation.

Amendments to the VPA general permit for animal feeding operations will become effective on November 16, 2004. After December 31, 2006, permittees will be required to implement a nutrient management plan (NMP) written by a certified nutrient management planner that addresses nitrogen as well as phosphorus loss to ground and surface waters according to the most current standards and criteria developed by the Virginia Department of Conservation and Recreation at the time the plan is written.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On August 31, 2004, the State Water Control Board approved amendments to the Virginia Pollution Abatement General Permit Regulation for Animal Feeding Operations, 9 VAC 25-192-10 et seq. The regulation will be effective 30 days following publication in the Virginia Register.

The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Because CAFO's are currently regulated in Virginia, and this action serves only to transfer the regulatory mechanism governing select CAFO's from the VPA regulatory system to the VPDES regulatory system, it is not expected to have significant impact on family or family stability.